THE HONOURABLE MRS. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 26896 of 2007

ORAL ORDER:
(Per T. Meena Kumari, J)

The Writ Petition is filed challenging the orders dated 7.11.2007 in Stay Petition No. 8/2007-2008 (KDP) in Appeal No. 19/2007-2008 (KDP) passed by the 2nd respondent to declare the same as illegal and consequently the petitioner seeks stay of collection of the disputed VAT tax of Rs. 73,588/- relating to the period 2005-2006, pending disposal of the appeal before the 2nd respondent.

The learned counsel for the petitioner submits that the petitioner has preferred an appeal along with a stay petition before the 2nd respondent and the 2nd respondent has rejected the stay petition by orders dated 26.11.2007. Challenging the said rejection, the present Writ Petition has been filed. It is further submitted by the learned counsel for the petitioner that the total amount has been paid, if no stay is granted, the petitioner would be put to irreparable loss.

Heard the learned Special Standing Counsel for Commercial Taxes.

In view of the facts and circumstances of the case, it would suffice if stay is granted subject to payment of 50% of the total amount of disputed VAT tax of Rs. 73,588/-.

Accordingly, the Writ Petition is disposed of. However, pending disposal of the appeal before the 2nd respondent, stay is

granted subject to payment of 50% of the disputed VAT tax of Rs. 73,588/- and the same shall be deposited before the 1st respondent within a period of four weeks from today. It is made clear that if any amount is already paid by the petitioner towards the disputed tax, the same shall be given credit to the 50% of the tax now to be deposited.

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T. MEENA KUMARI, J

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C.V. NAGARJUNA REDDY, J

19.12.2007

N.B.
C.C. by 26.12.2007
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